

WESTERN PACIFIC HIGH COMMISSION.

No. 13 of 1921



[L.S.]

T. E. FELL,

Acting High Commissioner.

18th July, 1921.

KING'S REGULATION

FOR THE BETTER GIVING EFFECT TO THE TREATY OF
PEACE (AMENDMENT) (No. 2) ORDER 1920.

Made by His Britannic Majesty's High Commissioner for the
Western Pacific under the provisions of the Pacific Order
in Council, 1893.

In the name of His Majesty, GEORGE THE FIFTH, by the Grace
of God of the United Kingdom of Great Britain and Ireland
and of the British Dominions beyond the Seas King, Defender
of the Faith, Emperor of India.

[18th July, 1921.]

WHEREAS by Article 3 of an Order of His Majesty in Council
bearing date the 18th day of August 1919 (hereinafter
referred to as the "principal Order") provision is made *inter alia*
for the application of the Order to the Colonies not possessing
responsible Government and to British Protectorates:

And whereas the principal Order was amended by the Treaty
of Peace (Amendment) Order 1920:

And whereas the principal Order has been further amended by
the Treaty of Peace (Amendment) (No. 2) Order 1920:

And whereas it is expedient that local legislation should be passed
for the purposes of the said lastmentioned Order:

Now therefore it is hereby enacted as follows:—

1. This Regulation may be cited for all purposes as the Treaty SHORT TITLE
of Peace Order (Amendment) (No. 2) Regulation 1921.

ORDER (NO.2)
OF 1920 TO BE
READ MUTATIS
MUTANDIS.

2. The references and expressions in the Treaty of Peace (Amendment) (No. 2) Order 1920 and in the Schedule thereto which are set out in the Schedule to this Regulation shall for the purposes of their local application where occasion requires be read and construed *mutatis mutandis*.

Published and exhibited in the Public Office of the High Commissioner for the Western Pacific this eighteenth day of July one thousand nine hundred and twenty-one.

By Command,

ROGER GREENE,
Secretary to His Britannic Majesty's High
Commissioner for the Western Pacific.

THE SCHEDULE.

At the Court at *Buckingham Palace*, the 9th day of *November*, 1920.

PRESENT,

The KING'S Most Excellent Majesty in Council.

WHEREAS in pursuance of the powers conferred on Him by the Treaty of Peace Act, 1919, His Majesty in Council was pleased to make the Treaty of Peace Order, 1919 (hereinafter referred to as the "principal Order"):

And whereas the principal Order was amended by the Treaty of Peace (Amendment) Order, 1920:

And whereas it is expedient that the principal Order as so amended should be further amended in manner hereinafter appearing:

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, as follows:—

1. The provisions of the principal Order, 1919, as amended by the Treaty of Peace (Amendment) Order, 1920, set out in the first column of the Schedule to this Order shall be amended in the manner shown in the second column of that Schedule.

2. Paragraph (vi) of Article one of the principal Order shall have effect and shall be deemed always to have had effect as if the words "or any other person" were therein inserted after the word "creditor."

3. Paragraph (xvii) of Article one of the principal Order shall have effect and shall be deemed always to have had effect as if at the end thereof the following sub-paragraph were added—

"(f) the Custodian shall have power to charge such fees in respect of his duties under this paragraph, whether by way of percentage or otherwise, as the Treasury may fix, and the fees shall be collected and accounted for by such persons in such manner and shall be paid to such account as the Treasury direct, and the incidence of the fees as between capital and income shall be determined by the Custodian."

4. This Order may be cited as the Treaty of Peace (Amendment) (No. 2) Order, 1920, and the principal Order, the Treaty of Peace (Amendment) Order, 1920, and this Order may be cited together as the Treaty of Peace Orders, 1919 to 1920.

Almeric FitzRoy.

SCHEDULE.

Article.	Nature of Amendment.
1 (iv) . .	After the words " found due," there shall be inserted the words " together with such interest as aforesaid."
1 (xiva) .	For the words " Board of Trade " there shall be substituted the words " Clearing Office."
1 (xvii) .	<p>At the end of sub-paragraph (c) there shall be added the words " and to require any person having in his possession any " documents of title to any such stock, shares or other " securities to deliver the same to him, and an acknow- " ledgment signed by him of such delivery to him, shall " be a sufficient discharge to the person delivering the " same."</p> <p>After sub-paragraph (cc) the following sub-paragraphs shall be inserted—</p> <p>" (ccc) Where the property, right or interest subject to " the charge, consists of any sum of money due to a " German national (not being an enemy debt within the " meaning of Article 296 of the Treaty), it shall be payable " to the Custodian, and shall be paid to him on demand, " and the Custodian shall have power to enforce the pay- " ment thereof, and for that purpose shall have all such " rights and powers as if he were the creditor.</p> <p>" (cccc) A certificate by the Custodian that any property, " right or interest is subject to the charge shall be sufficient " evidence of the facts stated in the certificate, and where " any such application, requirement or demand of the " Custodian as aforesaid is accompanied by such a certi- " ficate the company, municipal authority or other body " by whom the securities were issued or are managed, the " person in possession of the property transferable by " delivery, or the person by whom a sum of money is due " shall comply with the application, requirement or " demand, and shall not be liable to any action or other " legal proceeding in respect of such compliance, but if it " is subsequently proved that the property, right or " interest was not subject to the charge, the owner thereof " shall be entitled to recover the same from the Custodian " or if it has been sold the proceeds of sale but not to any " other remedy."</p>
1 (xviii) .	For the words " ten months " there shall be substituted the words " sixteen months."

Suva, Fiji: Printed by S. BACH,

Printer to the Government of His Britannic Majesty's High Commission for the Western Pacific.

[Price, 1s.]

1921.

63.X21—500